

## CHECKLIST ENVIRONMENTAL ASSESSMENT

<b>Project Name:</b>	DNRC/Bar W Reciprocal Access Agreement
<b>Proposed Implementation Date:</b>	November 2011
<b>Proponent:</b>	DNRC/Bar W
<b>Location:</b>	State land: Section 5, T30N,R22W Private land: Section 4, T30N, R22W
<b>County:</b>	Flathead

### I. TYPE AND PURPOSE OF ACTION

The Montana DNRC is currently working with the Bar W Guest Ranch to craft a reciprocal access agreement that would provide access benefits to both parties. The DNRC would grant the Bar W access to approximately 0.1 acre of state land to construct a turn-around. Bar W would grant the state access on approximately 179 feet of road across their property. The project area is located approximately 3 miles west of Whitefish, Montana, in the Spencer Lake area.

### II. PROJECT DEVELOPMENT

#### 1. PUBLIC INVOLVEMENT, AGENCIES, GROUPS OR INDIVIDUALS CONTACTED:

*Provide a brief chronology of the scoping and ongoing involvement for this project. List number of individuals contacted, number of responses received, and newspapers in which notices were placed and for how long. Briefly summarize issues received from the public.*

A public scoping letter and attached map were sent to interested parties on October 31, 2011. A legal ad was placed in the Whitefish Pilot. The comment period was open through November 14, 2011. One comment was received during the period. Issues related to road maintenance and noxious weed management was raised.

#### 2. OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION, LIST OF PERMITS NEEDED:

*Examples: cost-share agreement with U.S. Forest Service, 124 Permit, 3A Authorization, Air Quality Major Open Burning Permit.*

None.

#### 3. ALTERNATIVE DEVELOPMENT:

*Describe alternatives considered and, if applicable, provide brief description of how the alternatives were developed. List alternatives that were considered but eliminated from further analysis and why.*

No Action: No reciprocal access agreement would be granted. Ongoing timber management and recreational use, fire management, additional requests for permits would continue.

Action: A reciprocal access agreement would be crafted between the DNRC and Bar W Guest Ranch. The agreement would provide DNRC with: access on an existing road segment 179 feet in length across Bar W property, 40 feet in width, for resource management and rights in favor of the public. The agreement would provide Bar W with: access to approximately 0.1 acre of state land to construct a turn-around to facilitate access to and from a gazebo on Bar W property.

### III. IMPACTS ON THE PHYSICAL ENVIRONMENT

- *RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.*
- *Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.*
- *Enter "NONE" if no impacts are identified or the resource is not present.*

#### 4. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE:

*Consider the presence of fragile, compactable or unstable soils. Identify unusual geologic features. Specify any special reclamation considerations. Identify direct, indirect, and cumulative effects to soils.*

The soil type present at the project location is Whitefish stony silt loam on 20 to 45 percent slopes. This soil type has a low to moderate erosion potential. The current use of the site is for timber production, although recreation use has impacted this use with user created trails.

Under the proposed action, approximately 0.1 acres of ground would be removed from timber production. Of this 0.1 acres, approximately 2000 square feet (0.05 acres) would be disturbed and shaped into a turnaround for various types of vehicles. The erosion potential would increase on the disturbed area until adequate vegetation is established.

#### 5. WATER QUALITY, QUANTITY AND DISTRIBUTION:

*Identify important surface or groundwater resources. Consider the potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality. Identify direct, indirect, and cumulative effects to water resources.*

The existing turnaround is located approximately 50 feet from Spencer Lake and approximately 15 feet in elevation above the water surface. Existing horse trails from the turnaround is funneling sediment towards the lake and likely results in sediment delivery. This portion of the Flathead River basin, including tributaries to the Stillwater River and Spencer Lake, is classified as B-1 by the State of Montana DEQ, as stated in ARM 17.30.608. The water-quality standards for protecting beneficial uses in B-1 classified watersheds are located in ARM 17.30.623. Water in B-1 classified waterways is suitable for drinking, culinary and food processing purposes after conventional treatment, bathing, swimming and recreation, growth and propagation of salmonid fishes and associated aquatic life, waterfowl and furbearers, and agricultural and industrial water supply. State water-quality regulations limit any increase in sediment above the naturally occurring concentration in water classified B-1. Naturally occurring means condition or materials present from runoff or percolation over which man has no control or from developed land where all reasonable land, soil, and water conservation practices have been applied (ARM 17.30.602 [17]). Reasonable land, soil, and water conservation practices include "methods, measures or practices that protect present and reasonably anticipated beneficial uses..." (ARM 17.30.602 [21]). The State of Montana has adopted Best Management Practices (BMPs) through its non-point source management plan as the principle means of meeting the *Water Quality Standards*.

The proposed action would disturb approximately 2000 square feet (.05 acres) near Spencer Lake. This action would result in a short-term increase in potential sediment delivery to the lake because the loosened soil particles would become more easily mobilized by precipitation. As vegetation is established on the disturbed site, the risk of sediment delivery would decrease. The estimated time for adequate vegetation to establish would be approximately two growing seasons. In order to minimize the risk of sediment delivery into the lake, the following mitigation measure would need to be implemented:

- Prior to earth moving activities, a wire-backed silt fence approximately 8 feet from the edge of the lake should be installed. This silt fence should be maintained for at least two years or until adequate vegetation is established.
- All disturbed areas should be grass seeded with a DNRC approved noxious weed free seed within 7 days of project completion.
- Slash generated as part of the project should be placed on fill material and as a slash filter between the fill material and the silt fence.
- Use of the existing trail that funnels sediment to the lake should be halted. An acceptable alternative route should be approved for use that would not facilitate sediment delivery.

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**6. AIR QUALITY:**

*What pollutants or particulate would be produced (i.e. particulate matter from road use or harvesting, slash pile burning, prescribed burning, etc)? Identify the Airshed and Impact Zone (if any) according to the Montana/Idaho Airshed Group. Identify direct, indirect, and cumulative effects to air quality.*

None would be expected.

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**7. VEGETATION COVER, QUANTITY AND QUALITY:**

*What changes would the action cause to vegetative communities? Consider rare plants or cover types that would be affected. Identify direct, indirect, and cumulative effects to vegetation.*

Bar W Gazebo site: Four merchantable trees would need to be removed from state land to construct the turn-around. The diameter of trees cut is between 7 and 12 inches d.b.h.

There is an increased risk of weed establishment associated with turn-around construction. Mitigation measures to reduce the risk of noxious weed establishment would include grass seeding of disturbed areas after construction.

Existing forest road: No change in current vegetation is expected.

No rare or endangered plants were noted during field reconnaissance.

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**8. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:**

*Consider substantial habitat values and use of the area by wildlife, birds or fish. Identify direct, indirect, and cumulative effects to fish and wildlife.*

The proposed action would occur on approximately 0.1 acre of forested habitat between 50 – 200 feet south of Spencer Lake. Enlargement of the existing turn-around area adjacent to the Bar W Gazebo site would create a slightly bigger opening in the forest canopy but would not be expected to appreciably change overall wildlife habitat suitability in the area. None of the four merchantable trees removed under the proposed action contain cavities or serve as notable perch sites near the lake. Snags would not be affected and no change in long-term human disturbance levels would be anticipated. Overall, direct, indirect, and cumulative effects to terrestrial and avian life and habitats would be minimal.

Aquatic life and habitats would be potentially affected due to increase erosion potential from the disturbed site. This affect could be adequately mitigated as discussed in section 5 above.

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**9. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES:**

*Consider any federally listed threatened or endangered species or habitat identified in the project area. Determine effects to wetlands. Consider Sensitive Species or Species of special concern. Identify direct, indirect, and cumulative effects to these species and their habitat.*

The proposed action would occur in forested habitat adjacent to Spencer Lake. Federally threatened or endangered species have not been recorded within the proposed project area, however use by bald eagles is possible given the project area's proximity to the lake and abundance of eagles within the region. None of the trees removed under the proposed action serve as notable perch sites, nor are they presently suitable for bald eagle nesting. Spencer Lake has had breeding common loons (Montana Species of Concern) in the past. Adult common loons were observed nesting on Spencer Lake in 2010 and were present in 2011 but did not nest. The proposed project area is approximately 1,000 feet from the last known nest site. Proposed construction activities would be of short duration (less than 1 month) and occur outside of the primary nesting period (April 15 – July 15) to minimize disturbance to loons. Trees and shrubs would remain along the lakeshore and would visually obscure most of the turn-around from the lake and Montana Highway 93. No long-term changes to

levels of human disturbance would be expected. Overall, direct, indirect, and cumulative effects to threatened, endangered, or species of concern would be negligible.

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**10. HISTORICAL AND ARCHAEOLOGICAL SITES:**

*Identify and determine direct, indirect, and cumulative effects to historical, archaeological or paleontological resources.*

No known historical or archaeological sites are noted in the area.

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**11. AESTHETICS:**

*Determine if the project is located on a prominent topographic feature, or may be visible from populated or scenic areas. What level of noise, light or visual change would be produced? Identify direct, indirect, and cumulative effects to aesthetics.*

While the gazebo site is visible from the highway 93 corridor, the removal of 4 trees and construction of a turn-around will have minimal impact on aesthetics of the area.

No change in aesthetics on existing forest road.

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**12. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY:**

*Determine the amount of limited resources the project would require. Identify other activities nearby that the project would affect. Identify direct, indirect, and cumulative effects to environmental resources.*

None would be expected.

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**13. OTHER ENVIRONMENTAL DOCUMENTS PERTINENT TO THE AREA:**

*List other studies, plans or projects on this tract. Determine cumulative impacts likely to occur as a result of current private, state or federal actions in the analysis area, and from future proposed state actions in the analysis area that are under MEPA review (scoped) or permitting review by any state agency.*

The area is being considered for a future timber sale and is currently on the Northwest Land Office 3 year timber sale listing of future projects.

The area is currently used by two recreational guest ranches that provide horse riding experiences on the state trust land in the Spencer Lake area. A land use licenses are issued covering the use.

An additional special recreational use license was issued in 2011 for mountain biking.

IV. IMPACTS ON THE HUMAN POPULATION
<ul style="list-style-type: none"><li>• RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.</li><li>• Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.</li><li>• Enter "NONE" If no impacts are identified or the resource is not present.</li></ul>



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**14. HUMAN HEALTH AND SAFETY:**

*Identify any health and safety risks posed by the project.*

None have been identified.

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**15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:**

*Identify how the project would add to or alter these activities.*

The Bar W Guest Ranch is a commercial business that would benefit from construction of a turn-around at the gazebo.

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**16. QUANTITY AND DISTRIBUTION OF EMPLOYMENT:**

*Estimate the number of jobs the project would create, move or eliminate. Identify direct, indirect, and cumulative effects to the employment market.*

None would be affected.

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**17. LOCAL AND STATE TAX BASE AND TAX REVENUES:**

*Estimate tax revenue the project would create or eliminate. Identify direct, indirect, and cumulative effects to taxes and revenue.*

None would be affected.

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**18. DEMAND FOR GOVERNMENT SERVICES:**

*Estimate increases in traffic and changes to traffic patterns. What changes would be needed to fire protection, police, schools, etc.? Identify direct, indirect, and cumulative effects of this and other projects on government services*

None would be affected.

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**19. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS:**

*List State, County, City, USFS, BLM, Tribal, and other zoning or management plans, and identify how they would affect this project.*

The project area is within the Spencer subarea of the Whitefish Neighborhood Plan on state lands. The State land involved is classified forest land that falls under the State Forest Land Management Plan (SFLMP) on June 17, 1996. On March 13, 2003, the Department adopted Administrative Rules for Forest Management (*Administrative Rules of Montana [ARM] 36.11.401 through 456*)

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**20. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES:**

*Identify any wilderness or recreational areas nearby or access routes through this tract. Determine the effects of the project on recreational potential within the tract. Identify direct, indirect, and cumulative effects to recreational and wilderness activities.*

The project area is utilized both by the general public and two guest ranches for varied recreational purposes. The construction of a turn-around at the gazebo would benefit a commercial guest ranch and the acquiring of access on the existing forest road would facilitate legal access and use of state land by the general public in addition to the commercial guest ranches.

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**21. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING:**

*Estimate population changes and additional housing the project would require. Identify direct, indirect, and cumulative effects to population and housing.*

None would be affected.

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**22. SOCIAL STRUCTURES AND MORES:**

*Identify potential disruption of native or traditional lifestyles or communities.*

None would be affected.

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**23. CULTURAL UNIQUENESS AND DIVERSITY:**

*How would the action affect any unique quality of the area?*

None would be affected.

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**24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:**

*Estimate the return to the trust. Include appropriate economic analysis. Identify potential future uses for the analysis area other than existing management. Identify direct, indirect, and cumulative economic and social effects likely to occur as a result of the proposed action.*

If the reciprocal access agreement were granted, the state would gain access to 285 acres of classified forest land for future forest management activities that would generate revenue. In addition, the land being accessed would increase in value with the enhanced access. The School of Mines (S.M.) and the School for the Deaf and Blind (D.B.) would benefit from the access acquired.

<b>EA Checklist Prepared By:</b>	<b>Name:</b> Brent Kallander	<b>Date:</b> 11/15/2011
	<b>Title:</b> Forester	

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**V. FINDING**

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**25. ALTERNATIVE SELECTED:**

The Montana Department of Natural Resources and Conservation has completed the environmental assessment (EA) for the proposed Land Use License application on State School Trust Land as described on page 1 of this document. After a thorough review of the EA, Department policies, standards, and guidelines, I have made the following decisions concerning this project:

The two alternatives proposed for consideration of this EA were the No-Action and Action Alternatives. The action alternative would allow for a reciprocal access agreement to be executed between Bar W Guest Ranch and the DNRC. Information contained in the EA demonstrates the minor amount of earth work on State land to facilitate the turn-around would not have a significant impact on the soils, vegetation, or water resources in the area, so long as prescribed mitigations described herein are followed.

The Action Alternative has been selected for the following reasons:

- The Action Alternative meets the Purpose of Action and the specific project objectives listed on page 1 of this EA;
- The proposed use is consistent with State and local policies, laws, and regulations; and
- The reciprocal access agreement is fair to all parties and in the best interest of the trust beneficiary.

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**26. SIGNIFICANCE OF POTENTIAL IMPACTS:**

Upon review of the project and the analysis herein, I find that none of the project impacts are regarded as severe, enduring, geographically widespread, or frequent. Further, I find that the quantity and quality of the natural resources, including any that may be considered unique or fragile, will not be adversely affected to a

significant degree. I find no precedent for the future actions that would cause significant impacts, and I find no conflict with local, State, or federal laws, requirements, or formal plans. In summary, I find that adverse impacts would be avoided, controlled, or mitigated by the design of the project to an extent that they are not significant.

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**27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:**

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EIS

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More Detailed EA

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No Further Analysis

<b>EA Checklist Approved By:</b>	<b>Name: Greg Poncin</b>
	<b>Title: Kalispell Unit Manager</b>
<b>Signature:</b>	<b>Date:</b> November 17, 2011